

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
Daniel Wang et al)	Group:
Serial No.)	
Filed:)	Examiner
Title: BROAD BAND ANTENNA)	

PETITION UNDER 37 C.F.R. 1.47(a)
FOR FILING INVENTOR'S DECLARATION ON
BEHALF OF AN INVENTOR WHO CANNOT BE FOUND

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Applicants hereby petition the Assistant Commissioner for Patents to accept the attached Declaration of Steve Jaques and Robert Daly, joint inventors in the above-referenced application, on behalf of Daniel Wang, another joint inventor who cannot be found to execute a Declaration for the above-referenced patent application. Please charge Deposit Account No. 02-0385, Baker & Daniels, for the fee required by 37 C.F.R. 1.17(h).

The facts surrounding the inability to locate the inventor are as follows:

1. At the time of the invention all three named inventors were employees of RF Industries Pty Ltd.
2. On October 17, 2002, the invention was filed with the Australian Patent Office as the subject of Australian Provisional Patent Application No. 2002952142. As permitted under Australian Law, the Provisional Patent Application was filed in the name of RF Industries Pty Ltd.
3. Applicants' Australian Patent Attorneys, Watermark, advised in a letter dated October 25, 2002, that a corresponding U.S. Patent Application would need to be filed by October 17, 2003, in order to retain the priority date of the Provisional Patent Application.
4. On March 31, 2003, Daniel Wang left the employment of RF Industries Pty Ltd.
5. On August 26, 2003, Steve Jaques attended a meeting with Watermark. During the meeting there was discussed the requirements for filing the U.S. patent application. Watermark advised that the necessary documentation would require signature and execution by all of the inventors. When informed of Daniel Wang's departure from RF Industries Pty Ltd, Watermark advised that Daniel Wang should be contacted at his last known address in order to obtain his signature.

6. On August 29, 2003, Myra Maloney, an employee of RF Industries Pty Ltd, attempted to telephone Daniel Wang at his last known contact number. This telephone number was found to be disconnected.

7. On August 29, 2003, Mr. Jaques wrote a letter to Daniel Wang's last known address at P.O. Box 1386 Parramatta, NSW 2124, Australia, asking him to contact him in respect of the U.S. Patent Application.

8. On September 10, 2003, Mr. Jaques wrote a further letter to Daniel Wang's last known address asking him to urgently contact him in respect of the U.S. Patent Application.

9. To date, no response has been received from Daniel Wang in respect of the letters.

The inability to locate Daniel Wang to execute a Declaration for the above-referenced application has been established by the facts as set forth in this Petition and has been substantiated by the Declaration of Steve Jaques attached hereto. Thus, Applicants respectfully request the Commissioner to accept the attached Declaration of the other two inventors on behalf of Daniel Wang.

Respectfully submitted,

John F. Hoffman
Registration No. 26,280

Attorney for Applicants

JFH/nw

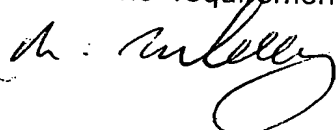
BAKER & DANIELS
111 East Wayne Street, Suite 800
Fort Wayne, IN 46802
Telephone: 260-424-8000
Facsimile: 260-460-1700

IN THE MATTER OF a US Patent
Application in the names of Steve
Jaques et al, for "BROAD BAND
ANTENNA"

DECLARATION OF STEVE JAKUES

I, Steve Jaques, of 67 Waterhouse Avenue, St Ives, NSW 2075, Australia, do solemnly and sincerely declare as follows:

1. I am the managing director of RF Industries Pty Ltd and co-inventor of an invention entitled "BROAD BAND ANTENNA".
2. I have first hand knowledge of the facts described below.
3. The joint development efforts by Robert Daly, Daniel Wang and I resulted in the invention "Broad Band Antenna".
4. At the time of the invention all three named inventors were employees of RF Industries Pty Ltd.
5. On 17 October 2002, the invention was filed with the Australian Patent Office as the subject of Australian Provisional Patent Application No 2002952142. As permitted under Australian Law, the Provisional Patent Application was filed in the name of RF Industries Pty Ltd.
6. Our Australian Patent Attorneys, Watermark, advised in a letter dated 25 October 2002 that a corresponding US Patent Application would need to be filed by 17 October 2003 in order to retain the priority date of the Provisional Patent Application. Attached hereto and marked 'Annexure SJ-1' is a copy of the letter from Watermark.
7. On 31 March 2003, Daniel Wang left the employment of RF Industries Pty Ltd.
8. On 26 August 2003, I attended a meeting with Watermark. During the meeting there was discussed the requirements for filing the US patent application.



any information associated with the US filing would require signature and execution by all of the inventors. When informed of Daniel Wang's departure from RF Industries Pty Ltd, Watermark advised that Daniel Wang should be attempted to be contacted at his last known address in order to obtain his signature.

9. On 29 August 2003, Myra Maloney, an employee of RF Industries Pty Ltd, attempted to telephone Daniel Wang on his last known contact number. This telephone number was found to be disconnected.
10. On 29 August 2003, I wrote a letter to Daniel Wang's last known address asking him to contact me in respect of the US Patent Application. Attached hereto and marked 'Annexure SJ-2' is a copy of said letter.
11. On 10 September 2003, I wrote a further letter to Daniel Wang's last known address asking him to urgently contact me in respect of the US Patent Application. Attached hereto and marked 'Annexure SJ-3' is a copy of said letter.
12. To date, no response has been received from Daniel Wang in respect of my letters.

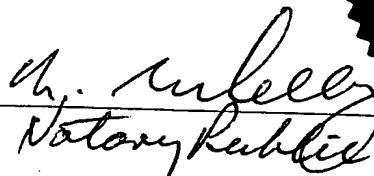
AND I MAKE this solemn declaration that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that wilful false statements and the like so made are punishable under §1001 of Title 18 of the United States code, and that such wilful false statements may jeopardize the validity of the above referenced US Patent Application or any patent issuing thereon.


STEVE JACQUES

Declared at : *Baulkham Hills Australia*

Dated : *10th October 2003*

Before me :



Notary Public

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF a US Patent
Application in the names of Steve
Jaques et al, for "BROAD BAND
ANTENNA"

EXHIBIT "SJ-1"

This is the Exhibit marked "SJ-1" which is referred to in clause 6 of the Declaration by
Steve Jaques.




STEVE JAQUES

Dated

: 10th October 2003

Before me :



Notary Public

Please reply to Sydney office

Key Contact: Peter Franke
Assisted By: Anthony Lee

October 25, 2002

Our Ref: P21714AUP1

Mr Steve Jaques
RF Industries Pty Ltd
Unit B
3 Lenton Place
North Rocks NSW 2151

Dear Steve

**Re: Provisional Patent Application in Australia in the name of
RF Industries Pty Ltd**

We confirm filing of an Australian Provisional Patent Application in respect of an invention as disclosed in the Provisional Specification annexed. The Provisional Application was filed on October 17, 2002.

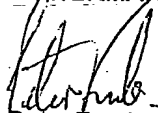
If it is your intention to pursue the granting of patent rights in relation to this development, it is a requirement that a Complete Specification be prepared and filed prior to October 17, 2003. This would also be the deadline for filing potential foreign patent applications should any overseas patent rights be required.

We are enclosing herewith:-

- a copy of the specification as filed;
- a leaflet outlining procedures and possible future costs;

Our invoice for our services to date is enclosed.

Yours faithfully
WATERMARK


Peter Franke

encl

**Patent and
Trade Mark Attorney
in Australia
and New Zealand
Established 1859**

Principals

Richard Baddeley BE (Chem)
Michael Chin Quan BE (Mech)
Paul Fong B Eng (Comp Sys)
Peter Franke BSc LLB
Carolyn Harris BSc (Hons)
Christian Schieber Dipl Ing
(M Aero & Space Tech Eng) Europe
Karen Sinclair BSc
Ray Tettman BE (Elec) Grad Dip

**Senior Patent &
Trade Mark Attorney**
Stephen Plymin BE (Mech)

Associate

Allen Evans BE (Electronic) LLB &
MBA (Tech Mgt) LAM
Amanda Jones B App Sc Dip IP
Neil Murray BE (Elec) Grad Dip C

Elizabeth Eadie BSc LLB (Hons)
Matthew English BE Grad Dip Prc
Kathryn Harrison B App Sc MSc L
Kathy Leviton BSc (Analytical Scie)
Jill Newton MSc BA LLB
David Shanks BE (Mech) (Hons)
Ph D (Aero Eng) Grad Dip IP Law
Roger Sym BE (Materials)
Michelle Wilson BSc Grad Dip Con
Grad Dip IP Law Trade Mark Attorney C

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Internet

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Quality Management System
ISO 9001 NATA Certified

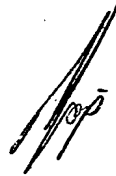
AUN 61 766 751 581

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF a US Patent
Application in the names of Steve
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EXHIBIT "SJ-2"

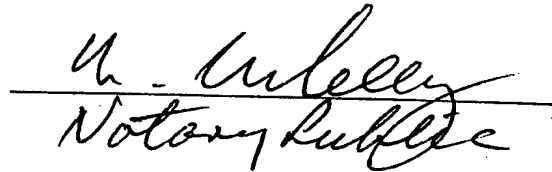
This is the Exhibit marked "SJ-2" which is referred to in clause 10 of the Declaration by
Steve Jaques.

 STEVE JAQUES

Dated

: 10th October 2003

Before me :


Notary Public



RF Industries Pty Ltd
ACN 001 895 512

PO BOX 4782, NORTH ROCKS, NSW 2151
UNIT B, 3 LENTON PLACE, NORTH ROCKS,
FAX: (02) 9630 0844 PHONE: (02) 9630 0651

29 August 2003

Daniel Wang
PO Box 1386
PARRAMATTA NSW 2124

Dear Daniel

RE: PATENT APPLICATION

Can you please call me regarding the signing of a Patent Application? If I am unavailable, can you please speak to Myra Maloney.

Thanking you

Yours faithfully
R F INDUSTRIES PTY LTD


Steve Jaques
Managing Director

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE MATTER OF a US Patent
Application in the names of Steve
Jaques et al, for "BROAD BAND
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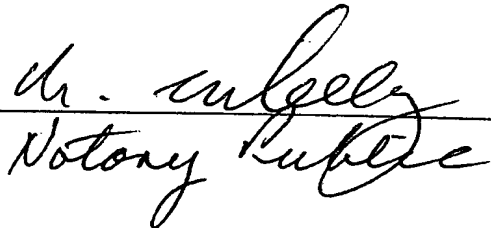
EXHIBIT "SJ-3"

This is the Exhibit marked "SJ-3" which is referred to in clause 11 of the Declaration by
Steve Jaques.

 STEVE JACQUES

Dated : 10th October

Before me :


Notary Public.



ACN 001 886 512

RF INDUSTRIES PTY LTD

UNIT B, 3 LENTON PLACE, NORTH ROCKS,
FAX: (02) 9630 0844 PHONE: (02) 9630 065

10 September 2003

Daniel Wang
PO Box 1386
PARRAMATTA NSW 2124

Dear Daniel

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Can you please call me urgently regarding the signing of a Patent Application?

If I am unavailable, can you please speak to Myra Maloney.

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Yours faithfully
RF INDUSTRIES PTY LTD

Myra Maloney

yes

Steve Jaques
Managing Director